

- (16) "Pool-related electrical maintenance" means electrical work that is limited to the connection or disconnection of a pool-related electrical device to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet.

**Sec. 1305.003. Exemptions; Application of Chapter.**

(a) This chapter does not apply to:

- (1) the installation of electrical equipment in a ship, watercraft other than a floating building, railway rolling stock, aircraft, motor vehicle, or recreational vehicle;
- (2) the installation of electrical equipment underground in a mine and in self-propelled mobile surface mining machinery and its attendant electrical trailing cable;
- (3) the installation of electrical equipment for generation, transformation, transmission, or distribution of power used exclusively to operate railway rolling stock or exclusively for signaling and communications purposes;
- (4) the installation, maintenance, alteration, or repair of communications equipment provided by a telecommunications provider;
- (5) the installation, maintenance, alteration, or repair of electrical equipment under the exclusive control of an electric utility, power generation company as defined by Sections 31.002(1) and (10), Utilities Code, electric cooperative, or municipally owned utility and used for communications or metering, or for the generation, control, transformation, transmission, and distribution of electrical energy, and located:
  - (A) in a building used exclusively by a utility or power generation company for those purposes;
  - (B) outdoors on property owned or leased by the utility or power generation company;
  - (C) on public highways, streets, roads, or other public rights-of-way; or
  - (D) outdoors by established rights in vaults or on private property;
- (6) work not specifically regulated by a municipal ordinance that is performed in or on a dwelling by a person who owns and resides in the dwelling;
- (7) work involved in the manufacture of electrical equipment that includes the on-site and off-site manufacturing, commissioning, testing, calibrating, coordinating, troubleshooting, or evaluating of electrical equipment, the repairing or retrofitting of electrical equipment with components of the same ampacity, and the maintenance and servicing of electrical equipment within the equipment's enclosure that is performed by an authorized employee or authorized representative of an electrical equipment manufacturer and limited to the type of products manufactured by the manufacturer;
- (8) electrical work if:
  - (A) the work is performed by a person who does not engage in electrical work for the public;
  - (B) the work is performed by a person regularly employed as a maintenance person or maintenance electrician for a business; and
  - (C) the electrical work does not involve the installation of electrical equipment during new construction as defined by rules adopted under Chapter 151, Tax Code;

- (9) the installation, maintenance, alteration, or repair of electrical equipment or associated wiring under the exclusive control of a gas utility and used for communications or metering or for the control, transmission, or distribution of natural gas;
- (10) thoroughfare lighting, traffic signals, intelligent transportation systems, and telecommunications controlled by a governmental entity;
- (11) electrical connections supplying heating, ventilation, and cooling and refrigeration equipment, including any required disconnect exclusively for the equipment, if the service is performed by a licensed air conditioning and refrigeration contractor under Chapter 1302;
- (12) the design, installation, erection, repair, or alteration of Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits, fire alarm circuits, optical fiber cables, or communications circuits, including raceways, as defined by the National Electrical Code;
- (13) landscape irrigation installers, as necessary to perform the installation and maintenance of irrigation control systems, and landscapers, as necessary to perform the installation and maintenance of low-voltage exterior lighting and holiday lighting excluding any required power source;
- (14) electrical work performed at a business that operates:
  - (A) a chemical plant, petrochemical plant, refinery, natural gas plant, natural gas treating plant, pipeline, or oil and gas exploration and production operation by a person who works solely for and is employed by that business; or
  - (B) a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treatment plant by a person who under a contract of at least 12 months' duration performs electrical work for that plant and:
    - (i) the electrical work is not performed during new construction as defined by rules adopted under Chapter 151, Tax Code; or
    - (ii) the person is not working for a contractor that has a principal place of business in another state or territory of the United States or a foreign country;
- (15) the installation, maintenance, alteration, or repair of elevators, escalators, or related equipment, excluding any required power source, regulated under Chapter 754, Health and Safety Code;
- (16) the installation, maintenance, alteration, or repair of equipment or network facilities provided or utilized by a cable operator, as that term is defined by 47 U.S.C. Section 522, as amended;
- (17) the location, design, construction, extension, maintenance, and installation of on-site sewage disposal systems in accordance with Chapter 366, Health and Safety Code, or an on-site sewage facility installer licensed under Chapter 37, Water Code;
- (18) electrical work performed on a building, structure, or equipment in agricultural use as defined by Section 11.002, Water Code, other than the processing of an agricultural commodity;
- (19) the installation, maintenance, alteration, or repair of well pumps and equipment in accordance with Chapter 1902;
- (20) electrical work required for the construction and assembly of HUD-code manufactured housing or modular housing and building units, other than the installation of service entrance conductors, that is performed by a licensed manufacturer or installer under Chapter 1201 or 1202, as applicable, if work performed is within the scope of the license as defined by applicable statutes and administrative rules;

- (21) work performed by a plumber who holds a license or endorsement or is registered under Chapter 1301 that is necessary to install, service, maintain, repair, or replace any type of plumbing fixture or appliance, as described by Section 1301.002(7), including a water heater, food disposer, garbage disposal, water softener, dishwashing machine, and clothes washing machine on existing electrical circuits only;
  - (22) the maintenance or repair of a residential appliance by a residential appliance dealer or manufacturer or a person authorized by a residential appliance dealer or manufacturer using only components of the same type and ampacity as the original components; and
  - (23) the maintenance, alteration, or repair of a pool-related electrical device by, or pool-related electrical maintenance performed by, an employee of a municipality on a pool owned or operated by the municipality.
- (b) This chapter applies to all premises wiring that originates where an electric utility's facilities end and a nonutility customer's electric facilities begin, except as permitted by Section 161.123(2)(A), Utilities Code.
  - (c) This chapter applies to an installation in a building used by a utility for purposes other than a purpose listed in this section, including an office building, warehouse, garage, machine shop, or recreational building that is not an integral part of a generating plant, substation, or control center.
  - (d) This chapter does not require a political subdivision of this state, including a school district or a municipality, to hold an electrical contractor license or an electrical sign contractor license under this chapter to be authorized to employ a person to perform electrical work for the political subdivision.
  - (e) Subsection (d) does not exempt an employee of a political subdivision from the requirement of holding the appropriate license under this chapter to perform electrical work.
  - (f) For purposes of Subsection (a)(21), any installation or replacement of a plumbing fixture or appliance must meet the requirements of existing electrical circuits.

#### **Sec. 1305.004. Nonapplicability of Law Governing Cancellation of Certain Transactions**

Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

### **SUBCHAPTER B. ADVISORY BOARD**

#### **Sec. 1305.051. Electrical Safety and Licensing Advisory Board.**

- (a) The advisory board consists of nine members appointed by the presiding officer of the commission with the approval of the commission as follows:
  - (1) three master electrician members;
  - (2) three journeyman electrician members;
  - (3) one master sign electrician member; and
  - (4) two public members.
- (b) The advisory board members must include:

- (1) two members who are affiliated with a statewide association of electrical contractors not affiliated with a labor organization;
  - (2) three members who are affiliated with a labor organization;
  - (3) one member who is not affiliated with a statewide association of electrical contractors or with a labor organization;
  - (4) one member who is affiliated with a historically underutilized business, as that term is defined by Section 2161.001, Government Code; and
  - (5) one public member who is a building contractor principally engaged in home construction and is a member of a statewide building trade association.
- (c) A licensed electrical engineer or an electrical inspector may be appointed as a public member of the advisory board.
- (d) An appointment to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

**Sec. 1305.052. Terms; Vacancies.**

- (a) Advisory board members serve terms of six years, with the terms of three members expiring on February 1 of each odd-numbered year.
- (b) A member may not consecutively serve more than two full terms.
- (c) If a vacancy occurs during a term, the presiding officer of the commission shall appoint a replacement who meets the qualifications of the vacated position to serve for the remainder of the term.

**Sec. 1305.053. Presiding Officer.**

The presiding officer of the commission shall appoint one of the advisory board members to serve as presiding officer of the advisory board for a term of one year. The presiding officer of the advisory board may vote on any matter before the advisory board.

**Sec. 1305.054. Compensation; Reimbursement of Expenses.**

Advisory board members may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the advisory board, subject to the General Appropriations Act.

**Sec. 1305.055. Meetings.**

The advisory board shall meet twice annually and may meet at other times at the call of the presiding officer of the commission.

**SUBCHAPTER C. POWERS AND DUTIES**

**Sec. 1305.101. General Powers and Duties.**

- (a) The executive director or commission, as appropriate, shall:
  - (1) by rule establish the financial responsibility requirements for electrical contractors; and
  - (2) after publication of the National Electrical Code by the National Fire Protection Association every three years, adopt the revised National Electrical Code as the electrical code for the state.